

Remarks

Amendments

Independent claim 1 has been amended to include the limitations of its dependent claim 2. Independent claim 16 has been amended to include the limitations of its dependent claim 17. Likewise, limitations of dependent claim 28 have been incorporated into independent claim 27. Claims 49 and 53 have been amended to correct inadvertent omissions. Claims 8, 9, 13, 14, 22, 23, 34, 35, 42, 43, 47, and 48 have been amended to clarify language of claims and to correct dependencies of claims. No new matter has been added.

Status of claims

Claims 1-72 are pending. Claims 1-72 have been rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. Claims 1-72 have been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-72 have been rejected under 35 USC §102(b) as being anticipated by Klosiewicz US 6,087,446. Furthermore claims 1-72 are rejected under 35 USC §102(e) as being anticipated by Klosiewicz US 6,432,496.

Rejection under 35 USC §112, first paragraph

The Examiner contends that claims 1-72 fail to comply with the enablement requirement. The Examiner asserts that the identities of the “hydrogenated aliphatic resin” are not shown by the specification, and that the term is not specific as to any particular compounds nor any other factors which would enable one having an ordinary skill in the art to know what may be embraced by this recitation for use in the invention. The Examiner further alleges that the term

is not art-recognized for any particular class or grouping of compounds, and that no proper Markush group whose members are known or easily ascribed is presented.

Applicant respectfully points out that the term is both art-recognized and the identities of exemplary hydrogenated aliphatic resins are presented in the specification. Regarding the term being art-recognized, several documents, including issued patents and online references to the term are attached. See US Patent 6,207,748, at column 7 lines 34-42; US Patent 6,582,762, at column 10 line 33; US Patent 6,297,309, column 2 line 54; "Hydrocarbon Resins 99/00S10" page 4 at Table IV.B.8; and "Trends and Developments in C9-Hydrocarbon Tackifier Resins" page 8 where it is stated, "It is often used to get fully hydrogenated hydrocarbon resins coming from both aliphatic as well as aromatic raw material feedstocks."

Furthermore, examples are described in the specification at page 9 lines 5-31. Applicant respectfully asks that this rejection be withdrawn.

Rejection under 35 USC §112, second paragraph

The Examiner rejected claims 1-72 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner asserts that the term "hydrogenated aliphatic resin" is not clear as to its proper metes and bounds. Applicant would respectfully refer the Examiner to the discussion of the term above. The term "hydrogenated aliphatic resin" is not indefinite to a person of ordinary skill in the art. Applicant requests that this rejection be withdrawn.

Rejection under 35 USC §102(b)

The Examiner has asserted that claims 1-72 are anticipated by Klosiewicz '446. Applicant respectfully disagrees with the Examiner's assertion. Klosiewicz '446 does not teach

moisture resistant compositions comprising between about 95 wt% and 99.5 wt% high density polyethylene (HDPE) as in independent claims 1, 16, and 27 of the present application. In fact, Klosiewicz '466 teaches away from high levels of HDPE (column 3 lines 8-16, column 4 lines 55-58, column 5 lines 25-30, examples, and claim 1). Furthermore, Klosiewicz '466 does not teach compositions comprising a branched or linear low density polyethylene (LLDPE) as in independent claim 49 of the present application. Klosiewicz '446 does not teach compositions comprising two types of high density polyethylene as in independent claims 55 and 63 of the present application. Applicant requests that this rejection be withdrawn.

Rejection under 35 USC §102(e)

The Examiner asserts that claims 1-72 are anticipated by Klosiewicz '496 under 35 USC §102(e). Klosiewicz '496 does not teach polyethylene films comprising less than about 2.9 wt% "resin" (e.g., hydrogenated aliphatic resin), as in independent claims 1, 16, and 27, as amended. Furthermore, Klosiewicz '496 does not teach compositions comprising between about 99.5 wt% and 75 wt% of a branched or linear low density polyethylene (LLDPE) as in independent claim 49 of the present application. Klosiewicz '496 does not teach a composition that comprises less than 22% of the LLDPE (column 16 lines 13-67). Furthermore, Klosiewicz '496 does not teach compositions as in independent claim 55 that comprise two high density polyethylenes, wherein one of the HDPEs has a low molecular weight and has a zero-shear viscosity that is less than or equal to 0.9 times the zero-shear viscosity of the second HDPE. Klosiewicz '496 does not teach compositions as in independent claim 63 that comprise between about 0.5 and 4 wt% of a low molecular weight hydrogenated aliphatic resin, between about 1 and 30 wt% of a low molecular weight high density polyethylene, and between about 66 and 98.5 wt% of a second high density polyethylene. Klosiewicz '496 does not teach compositions with two different HDPEs and less

than about 10% resin. See column 15 lines 62-65 and column 16 lines 36-51. Applicant respectfully requests that the Examiner withdraw this rejection.

CONCLUSION

Applicant respectfully submits that claims 1-72 define patentable subject matter.

Accordingly, the Applicant respectfully requests allowance of these claims.

Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicant's representative at the telephone number listed below.

The Examiner is invited to contact the undersigned patent agent at (713) 934-4077 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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